

**FILED**

**MAY 15 2019**

**CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ DEPUTY CLERK**

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6 Attorneys for Plaintiff  
United States of America  
7

8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,  
11  
Plaintiff,  
12  
v.  
13 SAMUEL THOMAS LANIER,  
14  
Defendant.  
15

CASE NO. 2:19-cr-084-KJM

18 U.S.C. § 1031 – Major Fraud Against the United  
States (seven counts); 18 U.S.C. § 981(a)(1)(C) and  
28 U.S.C. § 2461(c) – Criminal Forfeiture

16  
17 I N F O R M A T I O N

18 COUNTS ONE THROUGH SEVEN: [18 U.S.C. § 1031] – Major Fraud Against the United States

19 The United States Attorney charges: T H A T  
20 SAMUEL THOMAS LANIER,  
21 defendant herein, as follows:

22 I. INTRODUCTION

23 At all times relevant to this Information:

24 A. The Defendant

25 1. Defendant SAMUEL THOMAS LANIER resided in Dunsmuir, California, in Siskiyou  
26 County, in the State and Eastern District of California.

27 2. Defendant SAMUEL THOMAS LANIER was the President and Chief Executive Officer  
28 of FireWhat, Inc. (FWI), a company located in Dunsmuir, California, in Siskiyou County, in the State

1 and Eastern District of California.

2 3. Defendant SAMUEL THOMAS LANIER owned and operated Cedar Flats Development  
3 Company LLC ("Cedar Flats"), a company located in Dunsmuir, California, in Siskiyou County, in the  
4 State and Eastern District of California.

5 **B. FEMA's SAFER Grant Program**

6 4. The Federal Emergency Management Agency (FEMA), a component of the Department  
7 of Homeland Security, provides federal funding to fire departments throughout the United States via the  
8 Staffing for Adequate Fire and Emergency Response (SAFER) grant program. The SAFER grant  
9 program provides grant funding to assure that communities have adequate protection from fire-related  
10 hazards, and specifically, enhance recipient fire departments' ability to attain and maintain 24-hour fire  
11 department staffing.

12 5. Once awarded, FEMA SAFER grants are typically administered by the grantee  
13 themselves or by third party administrators (hereinafter, "Grant Administrators"). The Grant  
14 Administrator is typically responsible for managing the finances of the grant, as well as purchasing and  
15 planning various activities or functions related to the grant. Grant Administrators typically invoice the  
16 grantee for any expenses they incur on a monthly or quarterly basis.

17 6. Once a quarter, the grantee or Grant Administrator makes a "drawdown request" via  
18 FEMA's internet Grants Portal to reimburse expenditures. A drawdown request is a quarterly electronic  
19 request for federal grant funds that occurs on the FEMA Grants Portal. Drawdown requests are sent via  
20 wire from the grantee or Grant Administrator's location to the FEMA server in Winchester, Virginia. A  
21 drawdown request includes the total amount of money requested for reimbursement by the grantee or  
22 Grant Administrator, as well as a description of the items and services that have been received, and for  
23 which reimbursement is requested.

24 7. In response to the drawdown request, FEMA sends the money requested to the grantee's  
25 bank account. The grantee then typically issues payment to the Grant Administrator.

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**II. THE GRANT AWARDS**

8. On or about June 30, 2013, the United States awarded SAFER Grant No. EMW-2012-FF00434 to the Siskiyou County Fire Chiefs Association (FIRE CHIEFS ASSOCIATION A), the value of said grant being in excess of \$1,000,000.

9. On or about January 1, 2013, FIRE CHIEFS ASSOCIATION A entered into a contract with FWI to provide grant administration services for SAFER Grant No. EMW-2012-FF00434, the value of said grant being in excess of \$1,000,000.

10. On or about August 30, 2014, the United States awarded SAFER Grant No. EMW-2013-FF-00340 to the Fire Chiefs Association of Shasta County (FIRE CHIEFS ASSOCIATION B), the value of said grant being in excess of \$1,000,000.

11. On or about June 15, 2014, FIRE CHIEFS ASSOCIATION B entered into a contract with FWI to provide grant administration services for SAFER Grant No. EMW-2013-FF-00340, the value of said grant being in excess of \$1,000,000.

**III. SCHEME TO DEFRAUD**

12. Beginning on or about June 30, 2013, and continuing up to on or about March 2, 2018, in connection with the foregoing grants, defendant SAMUEL THOMAS LANIER did knowingly devise and execute a scheme to defraud the United States and to obtain money or property by means of false and fraudulent pretenses, representations, and promises.

13. It was part of the scheme and artifice to defraud the United States and to obtain money or property by means of false and fraudulent pretenses, representations and promises that the defendant would and did submit, and cause to be submitted, false and fraudulent drawdown requests to FEMA, which caused FEMA to disburse grant funds, and for the defendant to obtain grant funds, under false and fraudulent pretenses.

14. In doing so, defendant SAMUEL THOMAS LANIER caused a gross loss to the United States, and a gross gain to the defendant, of at least \$500,000.

**IV. EXECUTION OF THE SCHEME AND ARTIFICE**

15. On or about the dates set forth below, for the purposes of executing the scheme and artifice to defraud, and attempting to do so, defendant SAMUEL THOMAS LANIER, executed and

1 knowingly committed, and caused to be committed, the following acts:

COUNT	DATE	Execution
1	September 1, 2013	Submitting Invoice Number FG1200434SAF002 to FEMA requesting \$109,775.00 in SAFER grant funds
2	March 31, 2015	Submitting Invoice Number FG1200434SAF018 to FEMA requesting \$99,634.00 in SAFER grant funds
3	June 30, 2015	Submitting Invoice Number FG1200434SAF022 to FEMA requesting \$59,616.00 in SAFER grant funds
4	December 31, 2015	Submitting Invoice Number FG1200434SAF028 to FEMA requesting \$181,900.00 in SAFER grant funds
5	September 30, 2016	Submitting Invoice Number FG1200434SAF042 to FEMA requesting \$78,125.00 in SAFER grant funds
6	July 19, 2017	Submitting Invoice Number FG1300340SAF011 to FEMA requesting \$94,388.00 in SAFER grant funds
7	January 18, 2018	Submitting Invoice Number FG1300340SAF013 to FEMA requesting \$123,290.00 in SAFER grant funds

12 in violation of Title 18, United States Code, Section 1031.

13 FORFEITURE ALLEGATION: [18 U.S.C. § 981(a)(1)(D) and 28 U.S.C. § 2461(c) – Criminal Forfeiture]

14 1. Upon conviction of one or more offenses alleged in Counts One through Seven of this  
 15 Information, defendant SAMUEL THOMAS LANIER shall forfeit to the United States pursuant to Title  
 16 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any  
 17 property, real or personal, which represents or is traceable to the gross receipts obtained, directly or  
 18 indirectly from such offenses, including but not limited to:

19 a) A sum of money equal to the total amount of proceeds traceable to such offenses,  
 20 for which defendant is convicted.

21 2. If any property subject to forfeiture as a result of the offenses alleged in Counts One  
 22 through Seven of this Information, for which the defendants are convicted:

- 23 a) cannot be located upon the exercise of due diligence;
- 24 b) has been transferred or sold to, or deposited with, a third party;
- 25 c) has been placed beyond the jurisdiction of the court;
- 26 d) has been substantially diminished in value; or
- 27
- 28

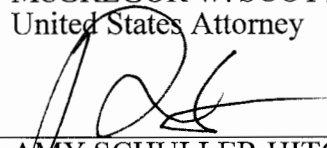
1 e) has been commingled with other property which cannot be divided without  
2 difficulty;

3 it is the intent of the United States, pursuant to Title 28, United States Code, Section 2461(c),  
4 incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of  
5 defendants, up to the value of the property subject to forfeiture.

6 Dated:

McGREGOR W. SCOTT  
United States Attorney

7  
8  
9 By:

  
AMY SCHULLER HITCHCOCK  
Assistant United States Attorney

**United States v. SAMUEL THOMAS LANIER**  
**Penalties for Information**

**COUNTS 1-7:** SAMUEL THOMAS LANIER

**VIOLATION:** 18 U.S.C. § 1031 – Major Fraud Against the United States

**PENALTIES:** A maximum of up to 10 years in prison; or  
Fine of up to \$10,000,000; or both fine and imprisonment  
Supervised release of up to 3 years

**SPECIAL ASSESSMENT:** \$100 (mandatory on each count)

**FORFEITURE ALLEGATION:** SAMUEL THOMAS LANIER

**VIOLATION:** 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Criminal Forfeiture

**PENALTIES:** As stated in the charging document